

81187

ORIGINAL

Decision No. \_\_\_\_\_

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation  
into the rates, rules, regulations,  
charges, allowances, and practices  
of all common carriers, highway  
carriers, and city carriers relating  
to the transportation of any and all  
commodities between and within all  
points and places in the State of  
California (including, but not  
limited to, transportation for which  
rates are provided in Minimum Rate  
Tariff No. 2).

And Related Matters.

Case No. 5432  
Petition for Modification  
No. 659

Case No. 5439  
Petition for Modification  
No. 148

Case No. 5441  
Petition for Modification  
No. 230

Case No. 7858  
Petition for Modification  
No. 100

ORDER RESCINDING  
ORDER GRANTING PARTIAL REHEARING OF  
DECISION NO. 79351

By Decision No. 79656 dated February 1, 1972 in this proceeding this Commission denied the petitions of American Home Products Corporation and William H. Rorer, Inc. for partial stay of Decision No. 79351 dated November 22, 1971 and granted partial rehearing of said decision.

On February 14, August 9, and December 27, 1972 petitioners were requested by letter to advise the Commission as to when they would be prepared to go to hearing in this matter. On the latter date petitioners were advised that unless they were "now in a position to suggest, by return mail, a specific and mutually agreeable series of hearing dates in this matter, the Commission will be advised to terminate its order granting rehearing in Decision No. 79656 for want of prosecution."

Petitioners have resisted all efforts during the past year to set a date for the partial rehearing of Decision No. 79351 as ordered by the Commission. It is petitioners' contention that, until the Interstate Commerce Commission issues its decision in related ICC Docket No. 35498, no useful purpose would be served by now setting a date for the partial rehearing of this Commission's Decision No. 79351.

Petitioners advise that ICC Docket No. 35498 was submitted for decision on August 2, 1972. When a decision will be issued is unknown. Under the circumstances, further retention of an order on this Commission's open docket granting partial rehearing of Decision No. 79351 is no longer justified. The order should be rescinded and the related petitions for rehearing dismissed without prejudice.

IT IS ORDERED that the Commission's order in Decision No. 79656 granting partial rehearing of Decision No. 79351 is rescinded

and related petitions for rehearing of Decision No. 79351, filed by American Home Products Corporation and William H. Rorer, Inc., are dismissed without prejudice.

The effective date of this order is the date hereof.

Dated at Los Angeles, California, this 27<sup>th</sup>  
day of MARCH, 1973.

Vernon L. Sturgeon  
President

William H. Rorer, Jr.

William H. Rorer, Jr.

William H. Rorer, Jr.

William H. Rorer, Jr.  
Commissioners